(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 537 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. M. S. Usgaokar, Senior Advocate with Mr. Iftikar Agha, advocate for the petitioner.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaokar, advocate for the respondent.

CORAM : B. H. MARLAPALLE, J.

DATE : 2nd December, 2004.

P.C.:

Heard Mr. Usgaokar, learned Senior Counsel with Mr. Iftikar Agha, learned advocate for the petitioner-husband and Mr. Coelho Pereira, learned Senior Counsel with Mr. Korgaokar, learned advocate for the respondent-wife. This petition filed under Article 227 of the Constitution assails the order dated 1st November, 2004, passed in Execution Application No.52/2003 by the Civil Judge, Senior Division at Mapusa. By the said Order the trial Court directed the husband to pay

the arrears of maintenance amounting to Rs.4,42,000/- and an amount of Rs.15,000/- per month by way of monthly maintenance. After having heard the learned Senior Counsel for the petitioner and gone through the impugned Order, I see no case made out for interference.

2. At the same time, Mr. Usgaokar, learned Senior Counsel prayed for the arrears amount to be deferred and paid in instalments and the petitioner undertakes to pay the regular monthly maintenance of Rs.15,000/- in addition to these instalments. The petitioner-husband has already issued a D/D for an amount of Rs.2,00,000/- drawn in favour of the respondent-wife as against the arrears of maintenance payable at Rs.4,42,000/-.

3. Insofar as the remaining amount of maintenance is concerned (Rs.2,42,000/-), the husband's request for payment of the same in

five equal monthly instalments is hereby accepted and thus, in addition to the maintenance amount of Rs.15,000/- per month, the husband shall pay an amount of Rs.48,400/- and this amount shall be paid by D/D before the 10th day of every month, commencing from January, 2005 onwards and the entire arrears amount will be cleared by May, 2005.

4. The petition is accordingly disposed of.

B. H. MARLAPALLE, J.

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